

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

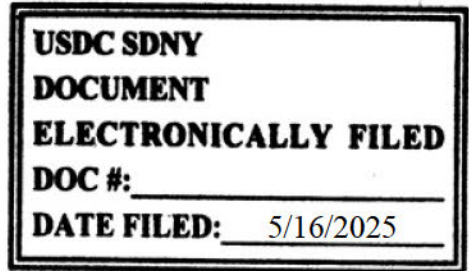
CLAY LEE JONES, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

FEIT INDUSTRIES, LLC,

Defendant.



24-CV-09227 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

This action was initiated on December 3, 2024. On December 5, 2024, the Court issued an order directing the parties to meet and confer on various matters within 30 days of service of the summons and complaint, and to submit a joint status letter 15 days after that, addressing a number of specified topics. *See* Dkt. No. 5. The Court also stayed Defendant's time to answer, move, or otherwise respond to the Complaint. Based on the Certificate of Service filed by Plaintiff, Defendant was served at their registered agent in Delaware on December 13, 2024. Dkt. No. 6. Defendant has not appeared in this action as of the date of this Order.

Notwithstanding the December 5 Order, Plaintiff sought a Clerk's Certificate of Default on February 4, 2025. *See* Dkt. No. 7. That Certificate should not have been issued, as Defendant is **not** in default, per the Court's December 5 Order. Rather, Plaintiff should have notified the Court on or shortly after January 27, 2025, that he had been unable to make contact with Defendant and thus was unable to meet-and-confer and unable to submit the joint status letter called for by the Court's December 5 Order. Plaintiff could then have asked for additional time to accomplish those tasks, or if additional time would be futile, asked the Court to lift the stay and set a date for Defendant to respond to the Complaint. Plaintiff did none of these things and instead submitted an affidavit to the clerk falsely stating that the time for Defendant to answer or otherwise respond to the complaint had expired, *see* Dkt. No. 8, causing the issuance of a Clerk's Certificate of Default that should not have been issued.

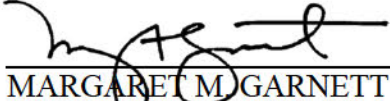
Accordingly, it is ORDERED:

- (1) the Clerk's Certificate of Default issued February 4, 2025 is hereby VACATED;
- (2) the stay of Defendant's time to respond to the Complaint is hereby LIFTED and Defendant is directed to answer, move against, or otherwise respond to the Complaint by **June 30, 2025**; and

(3) Plaintiff shall serve a copy of this Order on Defendants by first-class mail and/or by in-person service **within two business days from the date of this Order**, and shall file proof of such service **within three business days of the date of this Order**.

Dated: May 16, 2025
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge